

## **REMARKS**

### **Status of the claims**

Claim 1 has been amended to recite the amino acid residues corresponding to the S1-S2 region of BK beta subunits. Support for this amendment can be found, e.g., in the specification on page 11, lines 3-12. Claim 13 has been amended to recite highly stringent hybridization conditions. Support for this amendment can be found in the specification, e.g., on page 23, lines 30-33.

### **Response to Restriction requirement**

In response to the election/restriction requirement, Applicant elects to prosecute Group I, claims 1-13, 15, 23, and 24. Applicants also elect BK Beta 4, SEQ ID NO:5 (amino acid) and SEQ ID NO:6 (nucleic acid). Applicants note that the Examiner has indicated that additional species will be examined upon a finding of allowability of generic claim 1.

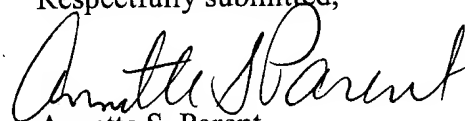
The foregoing election is made with traverse. Restriction of an application is discretionary, and a restriction requirement is made only to avoid placing an undue examination burden on the Examiner and the Office. Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits, even though they are directed to independent and distinct inventions. MPEP § 803.01. Applicants respectfully submit that examining the claims of Groups I -XIV together would not place an undue burden on the Examiner. Applicants therefore respectfully requests that the Examiner consider all the groups together.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
Annette S. Parent  
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
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